



Virginia Quesada
<vq@qmediainc.com>
07/11/2008 10:52 AM

To mayorcouncil@rockvillem
cc
bcc

Subject Zoning - Density without Infrastructure Support

History: This message has been replied to.

Madam Mayor and Council members,

Thank you for your work in governing and working towards improving and maintaining our fair city of Rockville.
I am a newcomer to Rockville and I love it.
I moved to Rockville or "Rockland" because of it's diversity.

Rockville is an area rich in cultural diversity due to it's variety of people, businesses, and cultural events. In terms of businesses, it has a nice mix of the big national chains with unique family businesses. The mix is great. The smaller businesses are restaurants, and/or stores which are run by people who live here. I have attended several public hearings and citizen association meetings and I feel a growing concern that changes in our zoning are being set up encourage density, too much development without control and the renovation of "old malls" into "mixed use" buildings.

Is this in the best interests of the community? What are the advantages to the community here? What does the community gain besides increased traffic and congestion? It can be easily shown that the price of a meal in the "mixed use" downtown Rockville is much higher than the unique family restaurants in the smaller older malls. I don't think the unique family restaurant could afford the rent in a "mixed use" space.

Even worse, it seems that we are encouraging growth without requiring the developers to put into the infrastructure. There are plans for growth but no talk of new subways, or roads, or schools, or any long term vision of a commitment to support the infrastructure of the community.

Years ago, in a LIFE Magazine article, I read about an experiment that scientists did with rats. Surprisingly, in normal circumstances, rats have a high level social order system. For example, rats have mating rituals where the male rat would wait outside the den until the female rat invited him in. In the experiment, the scientists kept adding more and more rats to the same burrow to see the effect of overcrowding. The result was that they saw the social order, at first, start to deteriorate and then it broke down completely. Among other things, once the burrow got very overcrowded, male rats would barge into female dens without an invitation, committing what was basically a rape.

Too much density and overcrowding isn't good for humans either.

This zoning revolution is on your watch. What legacy do you want?

I have been told that there is a loophole with the Master plan that gives developers a lot of freedom on large scale projects that will impact density. Is it true that if the community misses a few opportunities to voice their opinion before the zoning ordinance is adopted the community may lose their ability to have a voice on the adoption of some of the large scale projects because it was in the original Master plan ?

I hope not, that would be a criminal misuse of governmental power.

I feel the community should always have a voice. We should always have the opportunity to voice their opinion on any large scale project. There always need to be traffic impact studies, environmental studies, on any major project. The community needs be able to input into the development that will alter the density, services and quality of life of our community.

Thank you for your time and attention.


Yours,

Virginia Quesada
Rockville Resident

--



Brenda Bean/RKV
07/14/2008 02:33 PM

To Virginia Quesada <vq@qmediainc.com>
cc mayorcouncil@rockvillemd.gov
bcc
Subject Re: Zoning - Density without Infrastructure Support 

Dear Ms. Quesada ~

On behalf of the Mayor and Council, thank you very much for your e-mail concerning proposed changes to the Rockville Zoning Ordinance. Your comments will be placed in the file and considered part of the official record in this matter.

The Mayor and Council, and the appropriate staff who have seen your comments, appreciate the feedback. Having such an informed and involved citizenry is one of the great hallmarks of our City.

This item will be the subject of a Mayor & Council worksession this evening and again on Wednesday, July 23rd. Both meetings will be televised on TRC 11 (The Rockville Channel) beginning at 7:00 pm, should you wish to tune in from home.

Thank you again for your comments.

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929
Virginia Quesada <vq@qmediainc.com>



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To mayorcouncil@rockvillemd.gov
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Subject Zoning - Density without Infrastructure Support

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Montgomery College

RECEIVED

CITY CLERK'S OFFICE

2008 JUL 15 AM 8:42

Exhibit No. 46

Zoning Ordinance Rewrite

Public Hearing

Dates: 6/16 & 6/30/08

July 14, 2008

The Honorable Susan R. Hoffmann and City Councilmembers
City of Rockville
111 Maryland Avenue
Rockville MD 20850-2364

Re: Zoning Ordinance Revision

Dear Mayor and Council:

Thank you for the opportunity to testify before you and the Council at the June 30 continuation of the public hearing on Zoning Text Amendment TXT2007-00219, Comprehensive Revision to Zoning Ordinance. I would like to follow up on my comments with written testimony for the public record.

The Rockville Campus property is wholly within an existing Suburban Residential (R-S) Zone, the proposed R-200 Zone in the Revision. The Campus is primarily impacted by the 40 foot maximum height in the current and revised zones. The College has applied for a Zoning Variance (APP) for height several times since the Campus opened in 1965. The most recent example was for the proposed new four-story Rockville Science Center which will be 35+ feet higher than the maximum. We concurrently applied for a Special Exception (SPX) to construct this academic teaching laboratory facility in the R-S Zone.

The APP and SPX were discussed by the Planning Commission on August 8, 2007. At the conclusion of the City staff report a Commissioner asked, "How many more buildings does the College have in its Facilities Master Plan that will have to get a variance for height"? This question initiated a discussion between the College and the City staffs to find ways to simplify the zoning variance process for the College as a public agency within the City of Rockville. We have met several times to consider various options.

The zoning ordinance revision comes at an opportune time because the College is in the process of updating its current Facilities Master Plan for the Rockville Campus. Both the current and the updated Plans anticipate several new buildings of three to four stories with expected heights of 70+ feet to meet projected enrollment growth needs over the 10-year planning period.

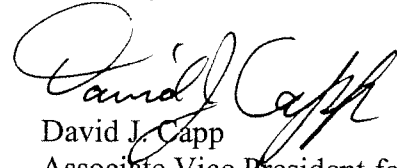
The critical item is an acknowledgement of the height limit for public buildings within the zone. Allowing a building height to 75-feet without a variance would respond to most of the issues that now cause the College to seek a zoning variance for building projects. For this reason I would suggest an increase in the height limit for public

buildings to 75-feet within the R-200 zone for your consideration. The College also has a few other technical suggestions which I have enclosed for your further consideration.

The College and the City have an established, consistent, and strong working relationship developed over many years as projects for the Rockville Campus have come forward. Our suggestions will simplify the APP process and will be mutually beneficial. We will continue to come in front of the City and provide an opportunity for community input on College projects.

I look forward to responding to any questions you may have. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Capp". The signature is fluid and cursive, with the first name "David" and last name "Capp" clearly distinguishable.

David J. Capp
Associate Vice President for
College Facilities
Central Administration

DJC:slf

Enclosure

cc: John McLean, MC
Sandra Lee Filippi, MC

Suggested changes:

TABLE OF DIMENSIONAL STANDARDS 25.10.05-a, for R-200:

- Permit exception to height limit for public buildings. Increase to 75'.
- Setbacks from streets doesn't apply to private campus roads.
- Rear yard setback to be 13' where land abuts.

WORDS AND TERMS DEFINED 25.03.02:

Height:

- Add language to exempt rooftop mechanical and other equipment from building counted in building height above 75'.
- Add language to exempt occupiable rooftop structures or penthouses not exceeding 10% of total roof area from being counted in building height.

Frontage:

- Add language addressing corner properties. For public institutions, permit the property owner to decide which street shall be considered the front of the property.

Stanley A. Klein
7 Lorre Court
Rockville, MD 20852
Additional statement on zoning code revisions
July 14, 2008

This statement addresses changes that will be needed soon to accommodate pluggable hybrid electric vehicles (PHEV). PHEVs are regarded by many as a critical component of energy independence and national energy policy, because they power transportation using electricity that can be generated using diverse energy sources. PHEVs are a component of all plans for future energy policy, and PHEV incentives can be expected to be included in future energy legislation.

A PHEV is an electric car with a battery that can be recharged from an electric plug. It also has an on-board, fuel-engine-driven generator that charges its battery when the trip length exceeds the storage capacity of the battery (e.g., 40 miles). Four manufacturers are working on PHEVs expected to be available in the 2010 model year. That is only 18 months away.

PHEVs will require infrastructure for charging their electric batteries. The required infrastructure will affect zoning and should be accommodated in the zoning revisions.

Plugging in a PHEV is not an issue if a house has a garage, as long as the capacity of electric wiring is sufficient to satisfy the charging requirements. However, not every house has a garage. Mine doesn't. It has only a driveway, as do most of the houses in my neighborhood and many others in Rockville.

Pluggable hybrids will need to be plugged in regardless of the weather. This will create a need for accessory "charging station" structures adjacent to the driveways to provide the electric connection and possibly to protect it during inclement weather. There are two kinds of connecting devices, one a direct wire/plug connection and the other an inductive "paddle" that can provide a weatherproof coupling. The direct connection communicates with the charging station by wire, and the inductive paddle communicates by infrared.

The charging station structures are likely to infringe the various front, rear, and side yard setbacks, if the driveway is adjacent to the lot line (as it is in my case). Similarly, to charge cars parked on the streets, it will be necessary to provide streetside charging stations. These will infringe the space between the lot and the street.

Parking structures associated with shopping centers and apartment developments will need to include a charging station for each parking space. Pre-existing structures, including the Town Center Garage, will need to be retrofitted with charging stations.

Changes to accommodate PHEVs will be needed starting in 18 months. Either the detailed changes should be developed and the present draft modified prior to adoption, or plans should be made to prepare and adopt appropriate amendments soon after adoption of the legislation.



Brenda Bean/RKV

07/15/2008 09:22 AM

To "Stanley A. Klein" <sklein@cpcug.org>

cc mayorcouncil@rockvillemd.gov, Susan Swift/RKV, Jim Wasilak/RKV, Deane Mellander/RKV,

bcc

Subject Re: Statement on zoning revisions and pluggable hybrid electric vehicles

Dear Stan ~

On behalf of the Mayor and Council, thank you very much for your e-mail concerning proposed changes to the Rockville Zoning Ordinance. Your comments will be placed in the file and considered part of the official record in this matter.

The Mayor and Council, and the appropriate staff who have seen your comments, appreciate the feedback. It is helpful to them as they deliberate the many complex issues and working their way towards adoption.

This item will be the subject of a Mayor & Council worksession tomorrow evening Wednesday, July 23rd. It is likely there will be at least one more work session on this topic and that date will be determined within the next day or two.

Thank you again for your comments. Having such an informed and involved citizenry is one of the great hallmarks of our City,

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929

"Stanley A. Klein" <sklein@cpcug.org>



"Stanley A. Klein"
<sklein@cpcug.org>

07/14/2008 08:31 PM

To mayorcouncil@rockvillemd.gov

cc

Subject Statement on zoning revisions and pluggable hybrid electric vehicles

Here is my statement both in text and as an attached pdf file.

Stan Klein

July 15, 2008

MEMORANDUM TO: Mayor & Council
FROM: Joan Zenzen, President and
Mary van Balgooy, Executive Director
Peerless Rockville Historic Preservation, Ltd.

RE: City of Rockville, Maryland
Chapter 25, Zoning Ordinance
Comments for the public hearing record

Thank you for the opportunity to comment upon the Planning Commission's recommended draft of the Comprehensive Amendment to Chapter 25 Rockville City Code Zoning Ordinance. Peerless Rockville compliments city staff and the Planning Commission for excellent coverage of a difficult subject and for the extensive public process that preceded the public hearing draft.

Pursuant to the mission of our organization, most of Peerless Rockville's comments focus on potential and designated historic sites and districts.

ARTICLE 1 – GENERAL INFORMATION

§25.01.02.8 Purpose – Protect and enhance the City's historic sites and resources;

This should be revised to read: ***Protect and enhance the City's historic, cultural, architectural and archaeological sites and resources*** to match other areas of significance as found throughout the ordinance.

ARTICLE 3 – DEFINITIONS

§25.03.02 Words and Terms Defined

Interim Historic Review. *That period of time between the initiation of the historic designated process and the final determination by the City as to whether the property should be designated as an Historic District.*

This should be corrected to read: "That period of time between the initiation of the historic ***designation*** process. . ."

***Site Plan.** The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; vehicle circulation, parking and loading areas; historic and archaeological resources; utility services; structures and buildings; signs; exterior lighting; buffers and screening; surrounding development; and any other information that reasonably may be required by the Approving Authority.*

This should read: “. . . historic **districts** and **identified** archaeological **sites**. . .” to match the requirements of §25.21.08.5 – Submission Requirements for Preliminary Plans.

ARTICLE 4 – APPROVING AUTHORITIES

§25.04.04.b.1.d – *Providing preliminary assessment of potential historic, archaeological, or architectural significance through the Natural Resource Inventory (NRI) process for all site plan / development reviews;*

§25.04.04.b.1.e – *Providing analysis and advice (courtesy review) to the Planning Commission and Mayor and Council on site plans and project plans that involve properties identified as potentially significant through the NRI process;*

Peerless strongly supports these two additions to the ordinance to ensure that potential historic sites are identified and not lost.

§25.04.04b.1.b – *Reviewing applications for the construction, exterior alteration, reconstruction, movement or demolition of a site or structure located within a designated historic zone.*

This should read: “. . . within a designated historic **district** zone” to match other sections throughout the zoning ordinance.

ARTICLE 7 – SITE AND PROJECT PLAN, SPECIAL EXCEPTIONS REVIEW, AND OTHER PERMITS/APPROVALS

§25.07.02.a.3 - *Pre-Application Natural Resources Filing*

§25.07.02.a.4 - *Potential Historic District.*

Peerless strongly supports these two additions to the ordinance to ensure that potential historic sites are not demolished and lost.

§25.07.07 – *Review of Applications for Special Exceptions.*

Regardless of the number of points, the Historic District Commission (HDC) should be involved in this review if the application affects an historic district. Only the HDC has the expertise to determine if the use is compatible with an existing historic district.

§25.07.12.a Requirement – *A Certificate of Approval issued by the Historic District Commission is required prior to any of the following actions to a structure that would affect the historic, archaeological, or architectural significance of the site or the exterior appearance or finish of a structure:*

This should be revised to read “...historic, archaeological or architectural ***integrity*** of the site, the exterior appearance or finish of a structure ***or the alteration of the environmental setting of a site within a designated Historic District Zone*** to correspond with the definition given in Article 3 and that it is explicitly stated that this regulation applies to all sites and structures in a designated historic district, not contributing resources only.

ARTICLE 14 – SPECIAL ZONES

§25.14.01.a.5 - *Promote the preservation and appreciation of those sites and structures for the education and welfare of the residents of the City*

This should be revised to read: “. . .those sites and structures for the education, welfare, ***and pleasure***” to match the Comprehensive Master Plan, Historic Preservation, Chapter Eight, History and Authority of Historic District Zoning.

§25.14.01.d.1.c. *The filing of an application for a demolition permit for any property ~~50 years or older~~.*

Peerless strongly supports the elimination of the “50-year rule.” This will safeguard Rockville’s buildings and sites of the “Recent Past” and ultimately preserve the City’s modernist heritage.

§25.14.01.d.4. *Mayor and Council Authorization – Upon receipt of the Historic District Commission’s recommendation, the Mayor and Council may authorize the filing of a sectional map amendment to place the property in the Historic District Zone.*

This part of the designation process is not clear or transparent as it should be. At this point in the process there is not a public hearing nor are the owner(s) and neighbors notified. However, if questions arise about support for the nomination, condition of the building, or its historic integrity, Council Members rely only on city staff for answers. Thus, the final decision is based on incomplete and possibly inaccurate information.

Peerless recommends that this part of the designation process should either include a public hearing, held off until the Mayor and Council decide upon designation, or grant the Historic District Commission the authority to file an application for a sectional map amendment.

Brenda Bean/RKV

07/15/2008 05:00 PM

To <director@peerlessrockville.org>
"Mayor & Council of Rockville"
cc <mayorcouncil@rockvillemd.gov>, Susan
Swift/RKV@RKV, Jim Wasilak/RKV@RKV, Deane
bcc
Subject Re: Submission of Testimony Regarding City's Proposed
Zoning Ordinance

Dear Mary ~

On behalf of the Mayor and Council, thank you very much for your e-mail concerning proposed changes to the Rockville Zoning Ordinance. Your comments will be placed in the file and considered part of the official record in this matter.

The Mayor and Council, and the appropriate staff who have seen your comments, appreciate the feedback. Thoughtful comments, such as these are helpful to them as they deliberate the many complex issues working their way towards adoption.

This item will be the subject of a Mayor & Council worksession tomorrow evening Wednesday, July 16th. There will be several more worksessions throughout the rest of the month and the record will remain open at least until the last one, which I believe is scheduled for July 30th.

Thank you again for your comments. Having such an informed and involved citizenry is one of the great hallmarks of our City,

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929

<director@peerlessrockville.org>



<director@peerlessrockville.org>

07/15/2008 03:59 PM

Please respond to
<director@peerlessrockville.org>

To "Mayor & Council of Rockville"
<mayorcouncil@rockvillemd.gov>
cc
Subject Submission of Testimony Regarding City's Proposed
Zoning Ordinance

<<...>>

Mary A. van Balgooy
Executive Director

July 15, 2008

COMMENTARY ON REVISIONS TO THE ROCKVILLE MASTER PLAN, AKA “ROZOR”

By William R. Neil
2008 Gainsboro Road
Rockville, MD 20851

Dear Mayor, members of the City Council and Planning Board, Planning Staff, and other interested parties:

I intend these comments to be very different from the detailed, micro-topic oriented process that the city and participants have been engaged in for some time now to revise its Master Plan. I have commented on the Twinbrook Neighborhood Plan on July 11th and October 10, and I am resubmitting my essay “Making Sense of Mixed-Use Mania” for the ROZOR “record” at the request of a number of citizens. The observations which follow below expand upon some of the broader themes from this essay and my brief “three minute” tailored testimony from October 10, 2007.

My intent here is to highlight the deeper assumptions behind the city’s drive for a new vision for Rockville, driven by the goal of higher density mixed-uses at both our Metro Stations and other commercial nodes, and especially along the Rockville Pike. My worries now, as they were in the original essay and October 10, 2007 testimony are that these assumptions are rooted in a Utopian vision from the real estate industry/markets based upon the intoxicating times of 2003-2006, not the realities of 2008, nor the great uncertainties we face 5-20 years down the road. If my earlier warning notes about what was about to unfold in the mortgage/real estate markets, based on the work of economists Dean Baker and Robert Schiller seemed to have no effect, and of course, they didn’t, because I don’t have the standing of the real estate industry “experts,” and these two economists were realistically pessimistic (even though their outlook was rooted in a sounder look at the numbers than most of the real estate economists themselves) then I would hope that even that limited portion of economic reality allowed to break through at the Washington Post by now has caught the attention of local officials. But I’m not optimistic about that based on what I know about what’s in this plan.

Earlier this spring I attended the economic/market outlook hearing for our Rockville Pike plans keen to hear how far the depths of our mortgage/financial crisis had sunk in to economic forecasting assumptions. I should have known better. What I heard was the same old stuff: long-term outlook good, downturn now as usual in a real estate industry always subject to ups and downs; Washington region market - so upscale - more immune than others to national cycles, which

of course we know vary greatly region by region. Does anyone ever remember a session like this where the forecasters say: don't do this, don't expand, I can't tell you what conditions would be like 5 years from now?

My public comment, from the floor microphone, was roughly this: You have to have a sense of where you are in the flow of broader economic currents to make sure that your forecasts are rooted in an economic model that will hold up, hold water, 5-25 years down the road. More specifically, what I said was that it would have been very difficult to make real estate forecasts in 1927-28 that would serve as sound guidance for 1935. While that may be an extreme case, the point is that economic "eras," do come and go, and if your forecast happens to straddle the changing cusp of a new era, then you likely have an impossible task and caution is in order, because the old assumptions guiding the forecast are not likely to hold up. I strongly believe that we are traveling through just such a transition period now, and the real estate assumptions from the 2003-2006 days are being turned on their head.

Let me bring this to ground level for the assumptions guiding Rockville's plans in ROZOR. Even though the mixed-use residential experiment at our New Town Center is well above average in its execution, planning, architecture and level of community support (and taxpayer support), the residential units are not selling, and neither is the very different model offered by the high rise tower at the Montrose Crossing Center. I see vacancies also at the retail level for the mixed use project on Rollins Ave. Now the perplexing thing is that we may not know, given the depth of the real estate/financial crisis, whether the problem is the model itself – meaning the location/feel – or the pricing, which many maintain is far too high to be successful here. And Rockville is coming late to the process: citizens who want to dump the Olney semi-rural suburban model for global warming/commuting/gas costs/lifestyle reasons can choose from the following mixed-use urban and semi-urban models in our area that are already up and running: Downtown, DC, where you really can ditch the car and enjoy every amenity that a major "international capital" offers; very upscale Bethesda; exciting Silver Spring, if you want more night life/entertainment in your mixed-use model at a lower cost than Bethesda and less urban intensity than DC.

I also think that buried very deeply within the real estate planning assumptions I hear from elected officials, developers and government planners alike is what I call the "Lake Wobegon" model of the American public. Like Garrison's Keillor's fictional Lake Wobegon, in this model of spending, all the Metro DC region's citizens are "strong, good-looking, and financially well-above average." That this model seems at great odds with the events now unfolding in our real economy, triggered by the collapse of the "new financial architecture" and the tenor, as reflected in polls, of the American people's outlook, should give us all room for pause and consideration.

Now I happen to believe that the American people are on to something about their own financial lives that people like former Senator Phil Gramm ("mental recession" Gramm) and reporter Neil Irwin of the Washington Post (Wed. July 18, 2008, "Why We're Gloomier Than the Economy: Consumer Anxiety Outstrips the Data," page 1) just don't get: the American people intuitively grasp the great structural problems underlying our private debt ridden economy because they are in turn reflected in their own shaky personal financial situations. After all, do you, public officials, have confidence in the reporting of a Washington Post that, as reflected in this article by Neil Irwin or their own lack of book reviews, can write about the economy and not acknowledge any of the five recent books about our financial crisis, written by such easily dismissible "light-weights" as George Soros, Kevin Phillips, Charles Morris and Robert Kuttner? (and reviewed in my essay "The End of

An Era?" June 17, 2008, which you can find online by just Googling my name and the title). {If you would like an electronic version Emailed, just let me know at w.neil@att.net}.

What I am suggesting is that since we cannot sell what we have already built, and the economic models that led to this activity are being made obsolete and perhaps irrelevant even as I write, and we are likely entering a new financial era with much greater regulation, much less money in the pockets of the public, a transition perhaps not unlike the one from 1928 to 1945, I propose putting the very worthy exercise of ROZOR on hold until we can begin to see whether it bears any relation to market reality on the far end of the financial tunnel that we are now passing through. Of course too many on the planning board and city council, like their county counterparts, seem to believe that the proper function of government today is to set the ground rules *to fit market trends* — and then turn the timing and the rest of the decisions over to the private sector. Now the defense offered by this view, if indeed the market conditions have dramatically changed, is that the templated plans that ROZOR sets in motion simply won't be acted upon by the private sector, so what's the harm? And aren't oil and gas prices going to help market the transit friendly model of mixed-use, higher density that we've set in motion?

While I think that the new reality of \$4.00+ gasoline is here to stay, and a confrontation with Iran will likely make that \$5-\$10 dollars per gallon, thus strongly recommending the model of building that we are leaning towards in ROZOR, **that will not in itself solve the problems of inadequate jobs and income too narrowly distributed, that will limit the size of the market that can afford what is currently being offered.** And please note our inadequate focus on all the competition being planned just down the street at White Flint, and already existing in the region.

In short, prudent planning and governmental accountability call for doing our best to help what is already built at Town Center succeed, and what is already in motion near the Twinbrook Metro station succeed as well, and placing the vast remake of the Rockville Pike and our other commercial nodes on hold until we get a clearer sense of what lies on the other side of the new financial era we are about to enter. And this writer has yet to hear what the size and scope of the expected public contribution is going to be to make the remake of the Pike fit the desired development model. We know Town Center's public share was very substantial and we all know the directions that city, county and state budgets are headed in under the financial storms already blowing.

In much the same way that Montgomery County and the State of Maryland committed taxpayers to the old auto-era model highway, plus tolls, to push the ICC through — with that roadway now looking like exactly the wrong response to market prices and citizen needs under current circumstances — this writer says: timeout, don't head down this pathway. Let's wait and get a better read on the marketability of what is already standing and vacant.

The last thing the good citizens and government of Rockville needs are a glut of vacant buildings. This writer fully appreciates the pressures that can be generated by real estate bets already placed on rapidly changing market conditions. But so much has dramatically changed in the financial world since this commentator first wrote about the looming financial storms back in Feb. of 2007 that he thinks the prudent course for government is to step back and take a well-earned break from the assumptions of a passing era.

Personally, I am rooting for, and working for, a new New Deal for the American people, updated to fit our times and circumstances, with a far more progressive distribution of jobs and economic

security than we currently have. Maybe that's what it will take to make some of these dreams for new building and living arrangements more viable. However, right now, that seems more than just a few years off, with a lot of persuading and hard work ahead. I wanted to end on that note, though, because I think the public needs a reminder that some of us still have historical memories that reach back further in time than the recent reign of the market utopians, 1980-2008.

For some of the hard work we need to do in Rockville, Montgomery County and the MD/Metro DC region, I invite readers to visit my essay "A Citizens Guide to the Missing Green Rail Vision for the MD/Metro DC Region" which can be found online at <http://www.ourfuture.org/blog/blogger/12559> or just send me an Email at w.neil@att.net and I'll send you the 67 page Guide.



Bill Neil making sense mixed use mania long.doc



Brenda Bean/RKV
07/16/2008 09:18 AM

To w.neil@att.net
cc anner41@hotmail.com, arobbins@rockvillemd.gov,
creitz@rockvillemd.gov, jbritton@rockvillemd.gov,
marcu@erois.com, mayorcouncil@rockvillemd.gov,
bcc
Subject Re: rockville's master plan ROZOR

Dear Mr. Neil ~

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Thank you again for your comments. Having such an informed and involved citizenry is one of the great hallmarks of our City,

Brenda F. Bean
Deputy City Clerk
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w.neil@att.net
07/15/2008 05:29 PM

To mayorcouncil@rockvillemd.gov,
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tyner@taliesan.com, sienaitaly@aol.com
cc marcu@erois.com, anner41@hotmail.com
Subject rockville's master plan ROZOR

Dear Mayor and Council of Rockville:

I reside at 5 Monterra Court. My house and my subdivision are in an area proposed in the draft zoning map for R-200 zoning. My house is one lot away from the National Lutheran Home, which is proposed for R-400 zoning. I am writing in support of the zoning map and the zoning text for my neighborhood as recommended by the Planning Commission. In doing so, I am recommending against the requests of the National Lutheran Home to increase allowable building height and decrease setbacks (exhibit # 11 from the Zoning Ordinance Rewrite public hearing 6/16/08 and 6/30/08).

By virtue of the city's proposed zoning map, the novice to planning might assume that my subdivision is planned for more density than the Lutheran Home.^[1] In fact, the Lutheran Home currently has more than 4 units per acre plus a nursing home for 300 clients; my subdivision has a about .7 units per acre with no plans to either add any more units or create a nursing home. It is not that I have any problems with the Lutheran Home as a neighbor. The Lutheran Home provides needed housing in a manner that matches the character of my neighborhood. In their current configuration and management, I could not ask for a better neighbor. I am concerned that their future development ambitions would be a jarring and unwelcome change.

The Lutheran Home presented the current trends in the senior care industry in their testimony. The trends of an industry are hardly the best criteria for determining zoning standards. If you were told that the trend in the office industry were buildings at least 100,000 square foot of floor area, would that lead you to zone all commercial property for that density without regard for the location or size of the property? I would think that Rockville would be more concerned about the trends for creating new development in harmony with existing neighborhoods. The trends for maintaining and enhancing existing neighborhoods include REDUCING the height and bulk currently allowed by zoning. Chevy Chase and Garrett Park are in the forefront of that trend.

The building height limit proposed by the Planning Commission, 50 feet, could result in 4-story buildings. If that is insufficient for the Lutheran Home's aspirations then the Home's aspirations need modification. One of their "representative concepts" presented to the Mayor and Council as a trend in the senior housing industry was a 3-story building; the other concept was a 5-story building. The 70 feet that the Lutheran Home requested could allow a 6-story building; one story higher than the highest representative concept shown to the Mayor and Council.

My neighborhood is on the edge of Rockville. Montgomery County would characterize the area across the street from the Lutheran Home as part of its low-density residential wedge where development on public water and sewer is the exception rather than the rule. This is the character of the area were the Lutheran Home is requesting the ability to have buildings 70 feet in height with less setbacks from its property lines. In Montgomery County, many properties in Central Business Districts, but on edge of those districts, are limited to 60 feet in height. We are on the edge of the City; we are not on the edge of a Central Business District.

The Lutheran Home suggested that lesser setbacks are in order at least for the land bordering the

Lakewood Country Club's golf course. The proposed zoning map has the Country Club's property in the same zoning classification as the Lutheran Home. It thereby will have the same rights to pursue development as the Lutheran Home itself. The Country Club's use is permitted to change if it chooses to do so, subject to Rockville's development process. The Country Club is not proposed to be in a park zoning classification although you would not know that from the Lutheran Home's testimony.

When does a low impact land use become a high impact land use? It does so when the density increases beyond the capacity of the infrastructure to handle the increase. I recognize that on a per unit basis, each dwelling unit of housing for senior citizens has less of an impact than a non-age restricted dwelling unit, but as the number of units increase so does its impact. The Lutheran Home has expanded twice since I moved to the neighborhood. It has a third proposed addition on the drawing boards ready to submit for approval. There should be an upper limit of the Lutheran Home's aspirations just as there is a limit on single-family uses. On a rainy day, when school is in session, it can take 20 minutes in the morning to make a turn from Scott Drive to Wootten Parkway without any additions by the Lutheran Home. Allowing more height will allow more density; that density will be out of proportion to our neighborhood's infrastructure.

The Lutheran Home's request to you represents a 40 percent increase in allowable height. If you are seriously going to entertain this last minute change, I would suggest that you directly inform my neighbors and allow them the opportunity to weigh-in. This would be a significant change from draft zoning ordinance as advertised for your public hearing.

I am submitting this letter to you solely in my capacity as a resident of Rockville and neighbor to the Lutheran Home.

Sincerely,

Marc Shepard

[1]40,000 square feet minimum lot area Residential Estate Zone ("R-400");
20,000 square feet minimum lot area Suburban Residential ("R-200").

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[TourTracker.com](#)! lutheran home protest



Brenda Bean/RKV
07/16/2008 10:32 AM

To mdshep2@aol.com
cc mayorcouncil, Susan Swift/RKV, Jim Wasilak/RKV,
Deane Mellander/RKV,
bcc
Subject Fw: lutheran home

Dear Mr. Shepard ~

On behalf of the Mayor and Council, thank you very much for your e-mail concerning proposed changes to the Rockville Zoning Ordinance. Your comments will be placed in the file and considered part of the official record in this matter.

The Mayor and Council, and the appropriate staff who have seen your comments, appreciate the feedback. Thoughtful comments, such as these are helpful to them as they deliberate the many complex issues working their way towards adoption.

This item will be the subject of a Mayor & Council worksession this evening at 7:00 pm and will be televised on the Rockville Channel (TRC 11) should you wish to tune in. Several more worksessions will be held throughout the rest of the month and the record will remain open at least until the last one, which I believe is scheduled for July 30th.

Thank you again for your comments. Having such an informed and involved citizenry is one of the great hallmarks of our City,

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929



MDSHEP2@aol.com
07/16/2008 07:19 AM

To zoning@rockvillemd.gov
cc
Subject lutheran home

Marc Shepard
15 Monterra Court
Rockville, Maryland
20850

July 14, 2008